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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/894,181	06/28/2001	Frank J. Ponzio JR.	4640-102	5315
25241	7590	11/03/2004	EXAMINER	
MATHEWS, COLLINS, SHEPHERD & GOULD, PA 100 THANET CR, SUITE 306 PRINCETON, NJ 08540			WANG, LIANG CHE A	
			ART UNIT	PAPER NUMBER
			2155	

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/894,181

**Applicant(s)**

PONZIO, FRANK J.

**Examiner**

Liang-che Alex Wang

**Art Unit**

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-70 is/are pending in the application.
- 4a) Of the above claim(s) 31-36 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 and 37-70 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/24/01, 10/1/01</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1-30, 37-70 have been examined

#### ***Paper Submitted***

2. It is hereby acknowledged that the following papers have been received and placed of record in the file:

- a. **Information Disclosure Statements** as received on 9/24/2001, 10/01/2001, 06/18/2002 are considered.

#### ***Claim Objections***

3. Claims 3, 18, 39 and 56 are objected to because of the following informalities:
4. Referring to claim 3, 18, 39 and 56, the word "filename" should be changed to "file name" to keep consistency in the claims.
5. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 14, 29, 51, 53, 68, 70 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. Referring to claims 14, 29, 51, 53, 68, 70, the expectation of the term “wherein” should provide sufficient antecedent basis. However, There is insufficient antecedent basis for this limitation in the claims. For example, in claim 14, “wherein a criteria for determining the quality is customized by the receiver”, “a criteria” and the “determining” step, have never been mentioned in claim 1.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1-30, 37-70 are rejected under 35 U.S.C. 102(b) as being anticipated by Baker et al., US Patent Number 5,678,041, hereinafter Baker.
11. Referring to claim 1, Baker has taught a method for quality of content of data provided from a source between digital devices (figure 1, network resources 101-105 are computing devices contains data resources) to a receiver (users 107-109 are retrieving the data resources) of the data, the data is having at least one record (list 116), the at least one record having at least one data field (URL101 and Resource Rating101), the method (see title and Col 3 lines 8-32) comprising the following steps:
  - a. assigning a grade indicative of the quality of the content of the data (Col 4 lines 35-37);
  - b. linking the grade to the content of the data (Col 4 lines 13-16, Col 4 lines 32-35);

- c. wherein the receiver dynamically accesses the grade without having to access the data (Col 5 lines 8-15 and Fig. 1, users dynamically access to the list for rating information without having to access the network resources).
12. Referring to claim 2, Baker has further taught wherein the step of linking further comprises associating a portion of a filename to the grade (see figure 1, list 116, URL101 is associated with resource\_rating101, and URL is viewed as a portion of a filename.)
13. Referring to claim 3, Baker has further taught wherein the file name corresponds to a file containing the data (URL is a file name corresponds to a file containing the data. Ex. www.uspto.gov/main.htm corresponds to file “main.htm” in domain www.uspto.gov).
14. Referring to claim 4, Baker has further taught associating a grade file with the grade (Col 4 lines 35-37, list 116 is a grade file with the grade).
15. Referring to claim 5, Baker has further taught wherein the quality corresponds to a particular data field of the at least one data field (Col 4 lines 53-60, NV, MV, V are stored in a particular data field (resources\_rating101-105) refer the quality of content of data).
16. Referring to claim 6, Baker has further taught wherein the quality corresponds to a particular record of the at least one record (Col 4 lines 35-37, list 116 contains resource\_rating101-105 which are correspond to URL101-105).
17. Referring to claim 7, Baker has further taught wherein a particular quality corresponds to a particular record of the at least one record (Figure 1, resource\_rating101 corresponds to URL101.)

18. Referring to claim 8, Baker has further taught wherein a particular quality corresponds to a particular field of the at least one particular field (resource\_rating NV corresponds to URL101.)
19. Referring to claim 9, Baker has further taught determining the quality by using predefined function (Col 4 lines 44-60).
20. Referring to claim 10, Baker has further taught determining the quality by accessing a database (Col 4 lines 23-25, Figure 1 database 114).
21. Referring to claim 11, Baker has further taught determining the quality by using an externally defined function (Col 4 lines 44-60).
22. Referring to claim 12, Baker has further taught determining the quality by accessing an external database (Figure 1, database 114 is external to network resources 101-105 and users 107-109).
23. Referring to claim 13, Baker has further taught wherein the step of linking further comprises associating the grade to data set (list 116, figure 1).
24. Referring to claim 14, Baker has further taught a criteria for determining the quality is customized by the receiver (Col 5 lines 1-7, and line 55-65.)
25. Referring to claim 15, Baker has further taught assigning a rating as a function of the grade (Col 4 lines 52-60).
26. Referring to claims 16-30, claims 16-30 encompass the same scope of the invention as that of the claims 1-15. Therefore, claims 16-30 are rejected for the same reason as the claims 1-15.

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27. Referring to claims 37-48, 50-53, claims 37-48, 50-53 encompass the same scope of the invention as that of the claims 1-15. Therefore, claims 37-48, 50-53 are rejected for the same reason as the claims 1-15.
28. Referring to claims 54-65, 67-70, claims 54-65, 67-70 encompass the same scope of the invention as that of the claims 1-15. Therefore, claims 54-65, 67-70 are rejected for the same reason as the claims 1-15.
29. Referring to claims 49 and 66, Baker has further taught wherein the grade is a numeric value, a color, or a Boolean (Col 4 lines 52-60, the resource rating NV, MV, and V are Booleans.)

### ***Conclusion***

30. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is reminded that in amending in response to a rejection of claims, the patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and the objection made. Applicant must show how the amendments avoid such references and objections. See 37 CFR 1.111(c).
31. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Liang-che Alex Wang whose telephone number is (703) 305-8159. The examiner can normally be reached on Monday thru Friday, 8:30 am to 5:00 pm.

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32. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T Alam can be reached on (703)308-6662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.
33. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Liang-che Alex Wang  
October 26, 2004

  
**HOSAIN ALAM**  
**SUPERVISORY PATENT EXAMINER**